

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BASICNET S.p.A., BASIC TRADEMARK S.l.r. and
BASIC PROPERTIES AMERICA INC.,

Plaintiffs,

-v-

GRANITE ROOTS LLC and ZG HOLDINGS LLC,

Defendants.
-----X

21-cv-4242 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiffs move, by order to show cause and pursuant to Federal Rule of Civil Procedure 65, for a preliminary injunction. Dkt. No. 5. The application is supported by detailed affidavits and exhibits demonstrating a likelihood of success and irreparable harm. The Court held a conference today, May 20, 2021, on Plaintiffs' motion for a preliminary injunction. The parties appeared, and both consented to entry of an injunction.

In order to obtain a preliminary injunction pursuant to Federal Rule of Civil Procedure 65, the moving party must establish "that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

Finding that there is good cause for an injunction and upon the parties' consent, it is HEREBY ORDERED that Defendants, their officers, agents, servants, employees, and attorneys and all other persons in active concert or participation with the same, *see* Fed. R. Civ. P. 65(d)(2), are enjoined during the pendency of this action from (1) selling any products bearing the trademarks registered under U.S. Reg. Nos. 4549705 and 5906625 (the "Marks"); (2) holding themselves out as authorized to offer, sell or otherwise distribute products bearing the Marks; (3) using the URL brikousa.com; or (4) permitting any of their affiliates, agents, representatives, members, managers from doing the same.

This order is entered without prejudice to a motion by Defendants to vacate the injunction and without any admission by the Defendants as to liability. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 5.

SO ORDERED.

Dated: May 20, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', written over a horizontal line.

LEWIS J. LIMAN
United States District Judge